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09/846,115	04/30/2001	Masayuki Chatani	375.14.01	5023

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ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	09/846,115	CHATANI, MASAYUKI	
Office Action Summary	Examiner	Art Unit	
	Bharat N. Barot	2155	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19,21-23 and 25-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19, 21-23, and 25-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

RESPONSE TO AMENDMENT

1.   Claims 1-19, 21-23, and 25-37 remain for further examination.

The old rejection maintained

2.   Applicant's arguments with respect to claims 1-19, 21-23, and 25-37 filed on February 21, 2008 have been fully considered but they are not deemed to be persuasive for the claims 1-19, 21-23, and 25-37. The rejection is respectfully maintained as set forth in the last Office Action mailed on November 21, 2007.

Claim Rejections - 35 USC § 112

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4.   Claims 1-19, 21-23, and 25-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

       Regarding claims 1, 10, 14, 22, 30, 32, and 37, they contain the phrase "the applied expression does not perform language translation" renders the claims indefinite because applicant failed to disclose how the system work without performing language translation and also it is unclear about a converting step that perform a altering the content data without performing language translation.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

5.   Claims 1-19, 21-23, and 25-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 10, 14, 22, 30, 32, and 37, they contain the phrase "the applied expression does not perform language translation" applicant failed to describe how the system work without performing language translation in the specification and also applicant failed to describe/mention that "the applied expression does not perform language translation".

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7.   Claims 1-19, 21-23, and 25-37 are rejected under 35 U.S.C. 103 (a) as being

unpatentable over Dietz (U.S Patent No. 6,385,586) in view of Dymetman et al (U.S.

Patent No. 6,901,360).

8.   As to claim 1, Dietz teaches a method of modifying content data transmitted from

a first computer to a second computer over a bi-directional communications network

(see abstract; and figure 2) comprising: specifying content data output characteristics to

be associated with the content data upon output by the second computer (figures 2-3;

column 5 lines 56-65; and column 6 lines 24-50); transmitting the content data from the

first computer to the second computer over the bi-directional communications network

(figure 2; and column 5 lines 40-55); and altering the content data that is to be output by

the second computer in accordance with the content data output characteristics

specified through the first computer, the altering includes converting an audio

component of the content data to text data, the text data being processed into converted

text data, and the converted text data being synthesized into audio data (see abstract;

figures 2-3; column 4 line 43 to column 5 line 20; column 5 line 56 to column 6 line 13;

and column 6 lines 42-62).

        However, Dietz does not explicitly teach that the output characteristics identifying

an expression to be applied to the content data, and the converted text data being

synthesized into audio data that includes the applied expression that does not perform

language translation.

Dymetman et al explicitly teach that altering the content data that is to be output by the second computer in accordance with the content data output characteristics specified through the first computer, the output characteristics identifying an expression to be applied to the content data, the altering includes converting an audio component of the content data to text data, the text data being processed into converted text data, and the converted text data being synthesized into audio data that includes the applied expression that does not perform language translation (see abstract; figures 1-3; and column 8 line 15 to column 10 line 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dymetman et al as stated above with the method of Dietz for modifying content data transmitted from a first computer to a second computer over a bi-directional communications network because it would have preserved ambiguities during interpretation of an expression and produced more reliable translations at a reduced cost in terms of computation; and also provided efficient way of managing the transmission of information in the network.

9.   As to claim 2, Dietz teach the steps of: receiving the content data in the first computer; and outputting the altered content data from the second computer (column 3 line 61 to column 4 line 6; and column 4 lines 30-42).

10.   As to claim 3, Dietz teach that the content data output characteristics include
location information of the first and second computers, the location information affects
the altering of the content data (column 4 lines 30-64).

11.   As to claims 4-5, Dietz teach that the received content data comprises voice data
input into the first computer; and the altered content data being transmitted for output
through speakers coupled to the second computer (figure 1; and column 3 line 44 to
column 4 line 64).

12.   As to claim 6, Dietz teach that the content data output characteristics include at
least one of character gender, character condition, character environment, and
language (column 4 lines 30-64).

13.   As to claims 7-8, Dietz teach that the content data output characteristics are
defined by input received by the first computer through a user interface; and the content
data output characteristics are defined by input received by the second computer
through a user interface (figure 1; and column 3 line 44 to column 4 line 30).

14.   As to claim 9, Dietz teach that the content data output characteristics are stored
in a database residing in memory storage coupled to the second computer (column 4
line 65 to column 5 line 39).

15.   As to claim 11, Dietz teach that the first and second computers are coupled to audio speakers, and wherein the content data output characteristics comprise an audio output ratio for outputting content data from the audio speakers (figure 3; and column 6 lines 24-34 and 55-63).

16.   As to claims 12-13, Dietz teach that the location information for the first and second computers are respectively obtained from the first and second computers and determined by the physical location of the first and second computers (column 4 line 30 to column 5 line 39).

17.   As to claims 10 and 31, they are also rejected for the same reasons set forth to rejecting claims 1-9 and 11-13 above.

18.   As to claims 14-19, 21-23, and 25-29, they are also rejected for the same reasons set forth to rejecting claims 1-13 and 31 above, since claims 14-19, 21-23, and 25-29 are merely an apparatus for the method of operation defined in the claims 1-13 and 31.

19.   As to claim 30 it is also rejected for the same reasons set forth to rejecting claim 1 above, since claim 30 is merely an apparatus for the method of operation defined in the claim 1.

20.   As to claims 32-37, they are also rejected for the same reasons set forth to

rejecting claims 1-13 and 31 above, since claims 32-37 are merely an apparatus for the

method of operation defined in the claims 1-13 and 31.

Response to Arguments

21.   Applicant's arguments with respect to claims 1-19, 21-23, and 25-37 filed on

February 21, 2008 have been fully considered but they are not deemed to be

persuasive for the claims 1-19, 21-23, and 25-37.

        In the remarks, the applicant argues that:

        (A)   Argument: There is no motivation to combine Dietz and Dymetman.

        Response: In response to applicant's argument that there is no suggestion to

combine the references, the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the

claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596

(Fed.Cir.1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed.Cir.1992).

        In this case, Dietz teaches all claimed limitations except the output

characteristics identifying an expression to be applied to the content data, and the

converted text data being synthesized into audio data that includes the applied

expression that does not perform language translation.

Dymetman et al explicitly teach that the content data output characteristics specified through the first computer, the output characteristics identifying an expression to be applied to the content data, the altering includes converting an audio component of the content data to text data, the text data being processed into converted text data, and the converted text data being synthesized into audio data that includes the applied expression that does not perform language translation (see abstract; figures 1-3; and column 8 lines 15-50). There is motivation to combine Dietz and Dymetman in the knowledge generally available to one of ordinary skill in the art to produced more reliable translations at a reduced cost in terms of computation and also provided efficient way of managing the transmission of information in the network.

(B)   Argument: Neither Dietz nor Dymetman teach the application of an expression not performing language translation.

Response: Dietz explicitly teaches a method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network (see abstract; and figure 2) comprising: the output characteristics (geographical location, voice-to-text environment, language) identifying an expression to be applied to the content data (column 4 line 43 to column 5 line 20; column 5 line 65 to column 6 line 4; and column 6 lines 42-54); and Dymetman explicitly teaches that altering the content data that is to be output by the second computer in accordance with the content data output characteristics specified through the first computer, the output characteristics identifying an expression to be applied to the

content data, the altering includes converting an audio component of the content data to text data, the text data being processed into converted text data, and the converted text data being synthesized into audio data that includes the applied expression that does not perform language translation (see abstract; figures 1-3; and column 8 line 15 to column 10 line 19), which implies that the combination of Dietz and Dymetman explicitly teaches the claimed invention. Note: Performing a language translation is design choice or obvious to select/not select based on the system/user demand.

Accordingly, appellant's arguments that neither Dietz nor Dymetman teach the application of an expression not performing language translation are moot.

(C)   The phrase "the applied expression does not perform language translation" renders the claims indefinite because applicant failed to disclose how the system work without performing language translation and also it is unclear about a converting step that perform a altering the content data without performing language translation; and also applicant failed to describe how the system work without performing language translation in the specification and also applicant failed to describe/mention that "the applied expression does not perform language translation". Note: Performing a language translation is design choice or obvious to select/not select based on the system/user demand.

Accordingly, appellant's arguments towards the first and second paragraph of 35 U.S.C. 112 related the phrase "the applied expression does not perform language translation" are moot.

(D)   Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections/rejections made. Further, they do not show how the amendments avoid such references or objections/rejections.

22.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

23.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Bharat Barot** whose Telephone Number is **(571)**

272-3979. The examiner can normally be reached on Monday-Friday from 7:00 AM to

3:30 PM. Most facsimile-transmitted patent application related correspondence is

required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2155

May 07, 2008